

**A Short Guide:**

# **How to Protect Your Rights as a Seafarer**

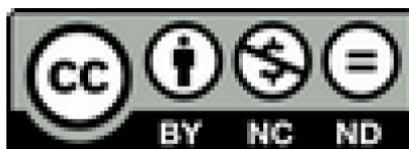
**by Barista Uno**



**MARINE CAFÉ BLOG**  
MARITIME REFLECTIONS




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# **A NOTE TO SEAFARERS**

This booklet contains practical tips for seafarers so they might better protect their rights and avoid being exploited. It is not meant to provide legal advice.

It is not always easy for seafarers to assert their rights. The mere act of complaining (even on social media) could put them in disfavour with manning agencies and others who have control or influence over their careers. Seafarers who report abuses to the ITF (International Transport Workers' Federation) could be blacklisted.

Even so, seafarers have certain rights that are enshrined in international conventions and national statutes. I trust that this booklet will help seafarers to be more aware of those rights and to have the courage to stand up for them.

B.U.

Manila, June 2020

***Men have no right to what is not reasonable,  
and to what is not for their benefit.***

~ Edmund Burke, 18th-century British statesman and  
philosopher

# 1

## **Know your rights as a seafarer.**

How can you protect your rights if you don't know what they are? Unfortunately, not many seafarers have read the full text of ILO Maritime Labour Convention, 2006.

MLC 2006 spells out the rights of seafarers — from wages and hours of work to shipboard accommodations and social security. You can download a free copy of this landmark convention for smartphones:

<https://marine-cafe.com/download/ilo-maritime-labour-convention-for-smartphones-and-tablets/>

In addition, your country may have its national regulations aimed at promoting the rights and welfare of seafarers. Find the time to read them online.

## 2

### **Read carefully the terms and conditions stipulated in your employment contract.**

Better still, demand a copy of your company employment contract or the Collective Bargaining Agreement (CBA) under which you are being hired. The CBA is negotiated through collective bargaining between employers and unions. Seafarers have the right to know what it contains.

In some countries, seafarers may be asked to sign a supplementary signing-on agreement. Read the agreement carefully. It may contain some provisions that could put you at a disadvantage.

## 3

### **Learn to be assertive without being disrespectful.**

Who will stand up for the rights of seafarers if they themselves don't? If you feel that your rights are being violated, speak up. But do so in a calm voice.

Be polite and respectful to the person you are speaking to. Do not be arrogant or belligerent.

## 4

**Do not be subservient. Stand up for what is right.**

Some seafarers obey orders from senior ship officers unquestioningly. Have the courage to say 'No' if you believe that the order is illegal, would compromise ship safety, or potentially violate the rights of seafarers under international laws.

## 5

**Don't hesitate to bring to the ship master's attention any violation of MLC 2006.**

Seafarers have the right to file a complaint for violations of MLC 2006 — even if the complaint involves the ship master. MLC 2006 lays down the shipboard grievance procedures.



## 6

### **Know where and how to seek help when you are on board your ship.**

Aside from the ITF, there are several NGOs you can run to for help in case of problems on board. Seafarehelp.org, for one, has a free and confidential helpline for seafarers and their families which is available 24/7.

## 7

### **Stay in constant touch with your family.**

Keep your wife or other family members informed about your status and condition. If you have serious problems on board your ship, they can be of real help. They can reach out to the concerned authorities, the unions and even the news media in your home country for help. Regular communication with your family will also save them and yourself from unnecessary worries.

## 8

### **Be in good terms with your fellow crew members.**

There is strength in unity. A ship's crew is better able to fight for their rights if they have team spirit and value each other.

## 9

### **Treat all persons with kindness and be ready to help those in need.**

There is such a thing as the law of karma, which applies to good as well as bad deeds. Being kind to others will invite positive energy into your life. And who knows? The person you help today may be able to help you tomorrow.

## 10

### **Always act professionally and do your job well.**

By doing so, you gain the respect of your senior officers and fellow seafarers. A person who is seen

as respectable by others is more likely to have his rights respected.

## **11**

### **Know the STCW-mandated courses you need to undergo.**

Familiarise yourself with the training requirements under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW). Some crewing managers and state employees are in the pocket of training centres. They may tell you to enroll in a particular course even though it is not necessary and go to their favoured training centre.

## **12**

### **Stay away from unscrupulous training centres.**

Some crooked training centre operators may ask you to pay for a course without you having to actually undergo the training. They will issue you the certificate, but you could face problems down

the road if your competency is assessed by parties in authority.

## **13**

### **Deal only with reputable, licensed manning agencies.**

Many seafarers have fallen victim to illegal recruiters and unscrupulous crewing companies. Be careful. See the last part of this booklet for tips on **How to Choose the Right Manning Agency.**

## **14**

### **Never pay money to get a shipboard job.**

Under MLC 2006, it is illegal for manning agencies to collect fees from seafarers for a shipboard placement. The only fees or charges allowed are “the cost of obtaining a national statutory medical certificate, the national seafarer’s book and a passport or other similar personal travel documents”. **The cost of visas shall be borne**

**by the shipowner.**

## **15**

### **Do not deal with fixers to facilitate the processing of your documents.**

Many seafarers have got themselves into trouble by paying extra for the "service." The fixer either gave them fake certificates or just ran away with their money. As the proverb goes, an ounce of prevention is worth a pound of cure.

## **16**

### **Report any government employee who asks for money for the release of your documents.**

By giving a bribe, you are not only committing a crime. You are also promoting a culture of corruption that would lead to the greater exploitation of seafarers. Don't hesitate to report to the head of the office concerned any employee who asks for a bribe.

## **17**

### **Do not always trust doctors completely.**

There are bad eggs in the medical profession. Many doctors and clinics who deal with seafarers are driven by profit. Always seek a second medical opinion if you are told that you need to undergo an operation.

Find out more about the drug that is prescribed to you by the doctor. This is very important when the drug is a strong painkiller (e.g., opioid) or an antidepressant. Some drugs are habit-forming and have other side effects. Read carefully the label on the medicine package. Additional information on specific drugs is available online.

## **18**

### **Keep yourself safe and in good health.**

Seafarers who claim for sickness or disability benefits are often given the runaround by manning agencies and their foreign principals. They may

have to hire a lawyer to get their hands on the money. Even then, it could take a long time for the case to be resolved. The best thing to do is to try not to get sick in the first place and to observe safety rules at all times.

## **19**

### **Be careful in dealing with lawyers for money claims.**

Stay away from ambulance chasers — that is, lawyers who actively seek out clients. Maritime lawyers usually accept cases on a no-cure-no-pay basis. But keep in mind that they will get a certain percentage of any moneys awarded (as much as 30% in some cases). Some may add on out-of-pocket expenses (court appearance fees, etc).

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## HOW TO CHOOSE THE RIGHT MANNING AGENCY

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- Look beyond size. A small manning agency could be better than its bigger competitors in terms of salaries, benefits and general treatment of seafarers.
- Verify the legal status of the agency with the responsible national authority. Does it have a valid license to operate?
- Check the reputation of the ship's owner or operator offering the job, not just the vessel type and specifications.
- Find out what benefits are attached to the shipboard job being offered — social security, paid leave, etc.
- If possible, go for manning agencies whose crews are covered by collective wage agreements with the International Transport Workers' Federation (ITF) or its affiliate unions.



- Is the agency handling seafarers' dollar remittances properly and not cheating on the foreign exchange rate?
- Does the agency have a strict policy which forbids its managers and employees from soliciting money and gifts from seafarers?
- Ask other seafarers who have been hired by a particular agency what they think of it. Are they happy with that agency?
- Be observant when you visit a manning agency's offices. The office atmosphere and the way the employees interact with seafarers will tell you a lot about the company.
- Be informed. Erring manning agencies (or their foreign principals) often land in the news because of certain malpractices and ill treatment of crews. Some legal websites feature Supreme Court decisions involving manning companies. They are worth visiting if you have the time.

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